Annual Report



United States District Court for the Northern District of Indiana 2003

Prepared by the Office of the Clerk

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Message from the Clerk..

The Annual report of the United States District Court for the Northern District of Indiana is a summary of the changes which have taken place during the 2003 calendar year. We continue to provide customer service, to grow together as a Federal Family, and to look for innovative ways to become more efficient. The Court's civil case load increased slightly after a decrease in 2002. The Court's criminal case load in the district decreased significantly compared to the national trend. Our court has undergone incredible change in 2003 all without missing a dead line or declination of our services.

There is an inscription on the southeast quadrant of the Jefferson Memorial in Washington, D.C. which I think relates very well to the year 2003 in our court.

Jefferson says, "I am not an advocate for frequent changes in laws and Constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors."

I want to take a moment and just name a few of the significant events which took place:

- Chief Judge William C. Lee takes Senior Status.
- Judge Robert L. Miller, Jr. becomes our new chief judge.
- Judge Philip Simon is sworn in as a new District Court Judge.
- Judge James T. Moody takes Senior Status.
- Magistrate Judge Theresa Springmann is elevated to District Court Judge.
- Magistrate Judge Paul Cherry is sworn in as a new Magistrate Judge in Hammond.

- We shift civil and criminal cases across the district in an attempt to equalize the civil and criminal case load to accommodate the Senior Judges and the new judges.
- We experience the loss of long time Bankruptcy Judge Robert Rodibaugh, Probation Officer Bill Crozier and Community Defender Dan Toomey.
- New Community Defender Jerry Flynn comes on board.
- We change and standardize our case management practices including the usage of Magistrate Judges and utilizing mediation across the district.
- Judge Allen Sharp celebrates 30 years on the federal bench.
- We worked together the entire year of 2003 to successfully convert from ICMS to CM/ECF. Attorneys can now file their documents and the public can view those documents from anywhere in the world, 24 hours a day, 7 days a week. We were assisted with this major change by reading and talking about the book, *Who Moved My Cheese* by Spencer Johnson.

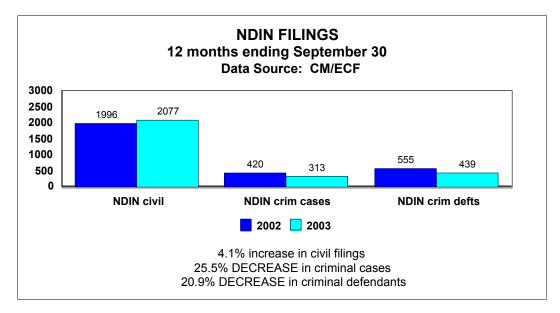
We continually look for ways to use the tools of technology in ways to become more efficient in time, energy and dollars. We hold monthly management team meetings and held a judges' meeting via videoconferencing. We conduct prisoner hearings utilizing videoconferencing with the prisoner in the state facility, the Indiana Attorney General in Indianapolis and the judge in his or her courtroom. We will utilize the same technology in 2004 to allow us to hold criminal hearings with the defendant and his counsel at a remote jail facility.

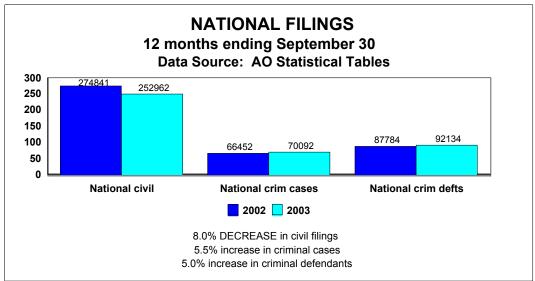
We are concentrating on security and emergency preparedness by developing and testing continuity of operations plans to allow us to continue to deliver critical court services should a natural or manmade disaster occur.

These are the highlights of the advancements and numerous changes our court has undergone in 2003. We accomplished all of these things with a very tight budget only because each member of our court staff was willing and able to let go of the past and embrace the future! The grim budget picture for the future will certainly impact the work we do, but we will not allow our high level of customer service and our determination to protect the rule of law decrease in the Northern District of Indiana.

Statistical Information

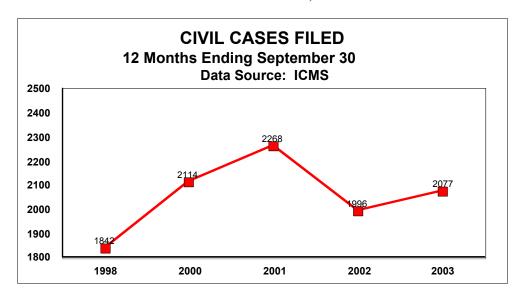
During fiscal 2003 (October 1, 2002 - September 30, 2003), in district courts nationwide, criminal filings increased and civil filings decreased. In contrast, in the Northern District of Indiana, we saw a slight increase in filings of civil cases but significant decreases in both criminal cases and defendants. Civil filings in our district increased by 81 cases (4.1%), criminal cases decreased by 107 (25.5%) and criminal defendants decreased by 116 (20.9%). Nationwide, civil filings decreased by 8.0%, criminal cases increased by 5.5% and criminal defendants increased 5.0%.



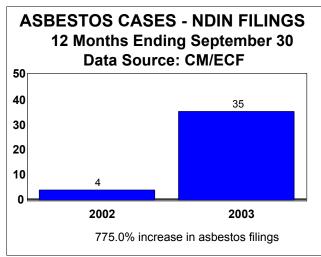


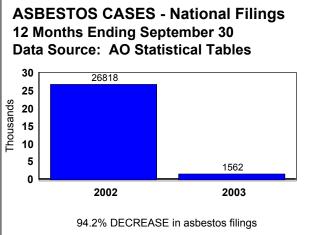


Our civil filings increased slightly compared to a decrease nationwide from 2002 to 2003 (a 4.1% increase in our district vs. a 8.0% decrease nationwide).

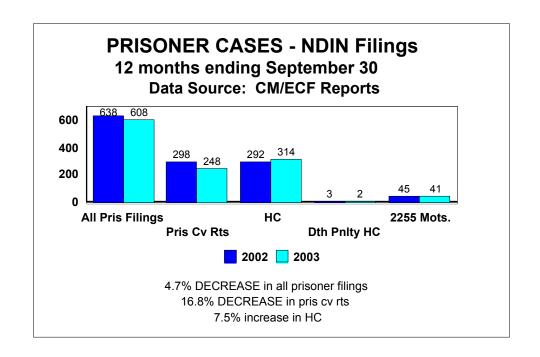


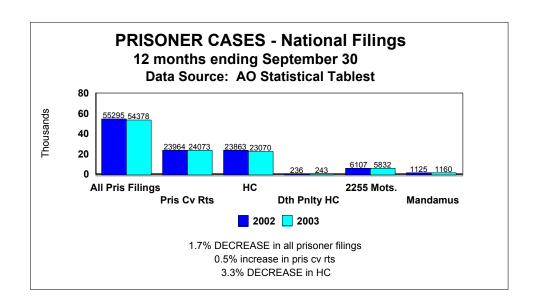
Again this year, filings of asbestos personal injury cases remain quite low (35 this year compared to 4 in fiscal 2002 and 281in fiscal 2001). Courts nationwide also saw a decrease of 94.2% in asbestos personal injury cases in fiscal year 2003.



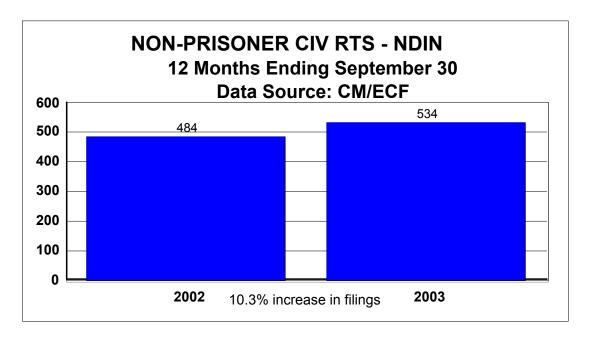


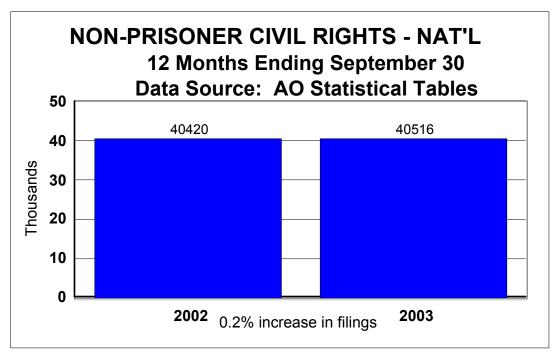
Although we saw increases in prisoner cases in past years, much of the increase this year is accounted for in non-prisoner civil rights cases, where filings increased by 50 cases in fiscal 2003 (10.3%), coming on top of a similar increase last year (53 cases and 12.3% increase). Nationwide filings of these cases increased slightly by 0.2%.



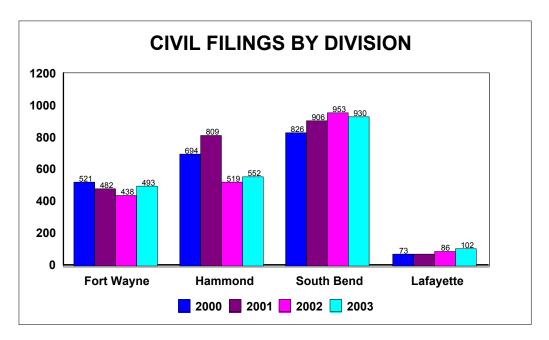


An area where our district continues to see a significant volume of filings is non-prisoner civil rights cases (discrimination in employment cases), where filings increased by 50 cases in fiscal 2003 (10.3%). Nationwide filings of these cases increased slightly by 0.2%.

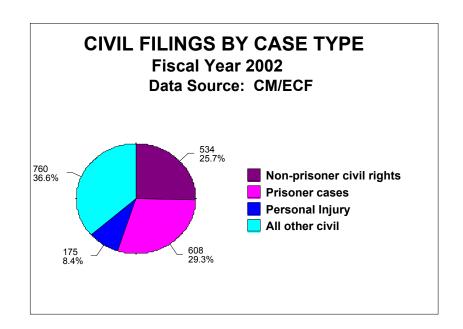




The number of civil filings for each division for the past four years is shown on the following chart. All offices except South Bend experienced increases in fiscal 2003 from fiscal 2002 (Fort Wayne +12.6%; Hammond +6.4%; South Bend -2.4%; Lafayette +18%). The total reduction in South Bend was minimal - only 23 cases, which corresponds closely to a decrease in prisoner filings (30 fewer cases).

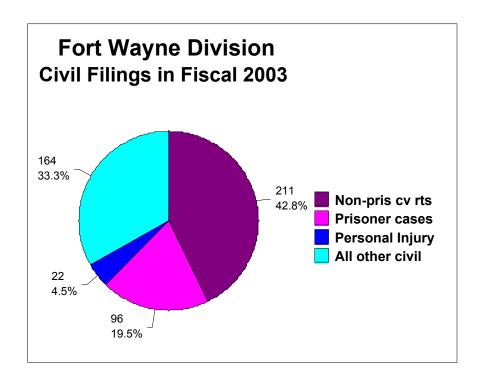


In assessing civil filings by case type for the entire district, the category "other civil" has surpassed prisoner cases as the largest percentage for a single type of filing (36.6 % for other civil 29.3% for prisoner cases), followed by non-prisoner civil rights (25.7%) and personal injury cases (8.4%).

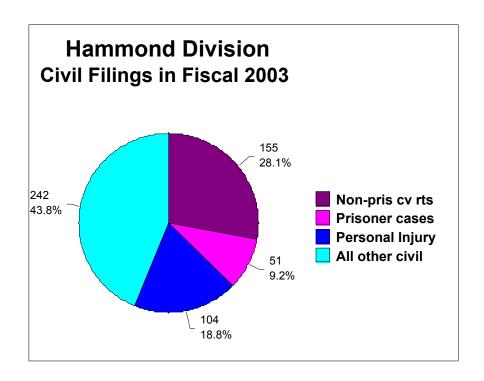


Looking at these same types of cases by division, the mix of civil cases varies with each division.

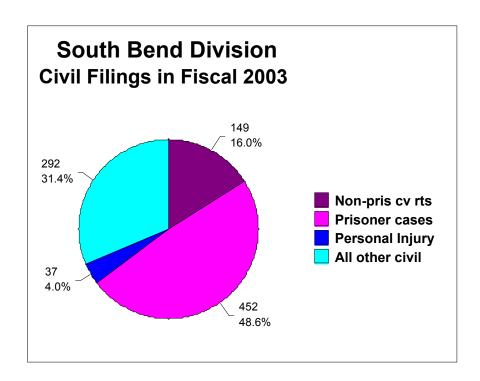
The two categories of civil cases most frequently filed in Fort Wayne are non-prisoner civil rights (42.8%) and other civil (33.3%), comprising 76.1% of total filings in Fort Wayne.



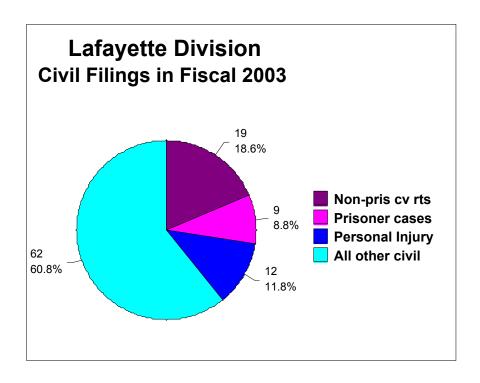
In Hammond, the two categories most frequently filed were other civil (43.8%) and non-prisoner civil rights (28.1%), comprising 71.9% of total filings in Hammond.



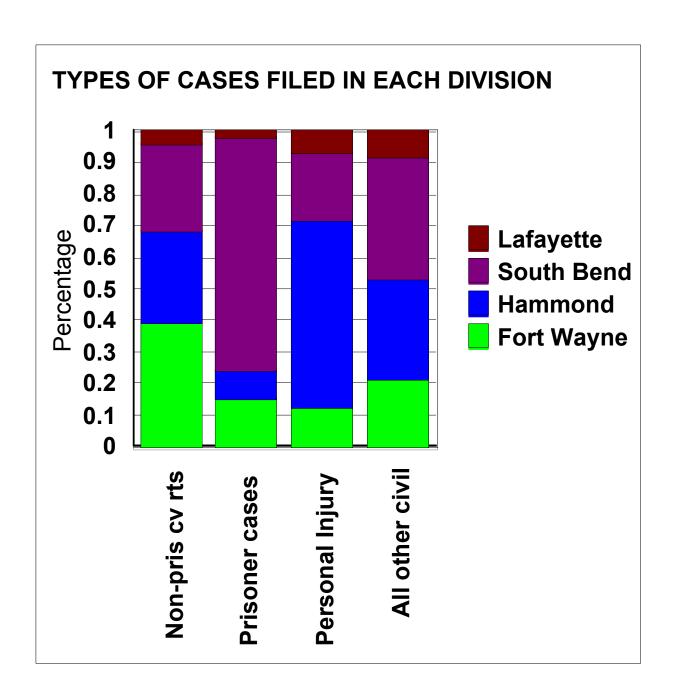
In the South Bend division, prisoner cases continue to comprise the largest category of civil filings (48.6%), with other civil as the second most common case type (31.4%). Together, prisoner cases and other civil comprise 80% of South Bend's filings.



In the Lafayette division, the two most common types of civil filings are other civil (60.8%) and non-prisoner civil rights (18.6%), comprising 79.4% of total filings.

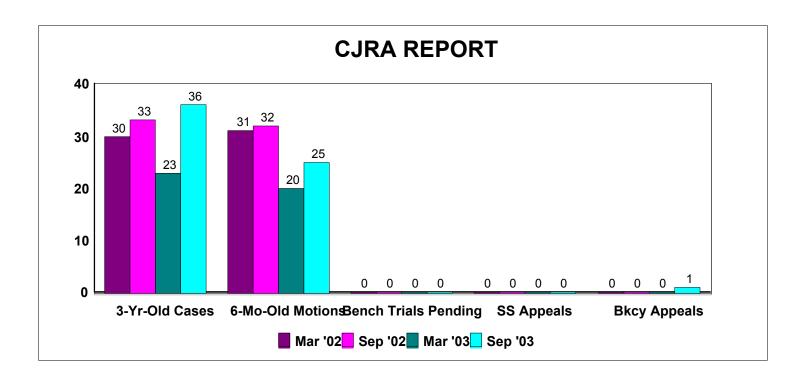


District-wide, the Fort Wayne office had the highest number of non-prisoner civil rights cases (211=39.5%), the South Bend office had the highest number of prisoner cases (452=74.3%) and the Hammond office had the highest number of personal injury cases (104=59.4%) The number of other civil cases filed was divided among the four divisions as follows: Fort Wayne =164 or 21.58%, Hammond=242 or 31.84%, South Bend=292 or 38.42% and Lafayette=62 or 8.16%.



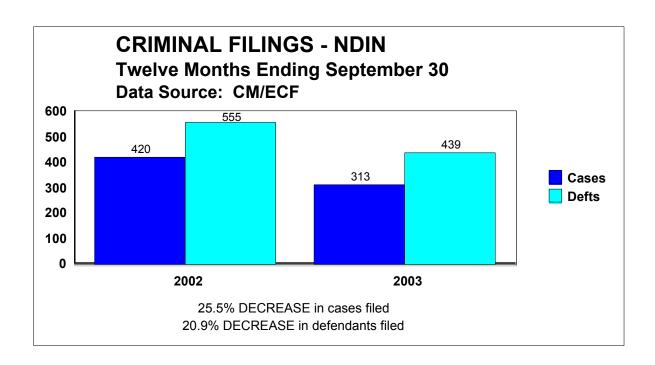
Civil Justice Reform Hct

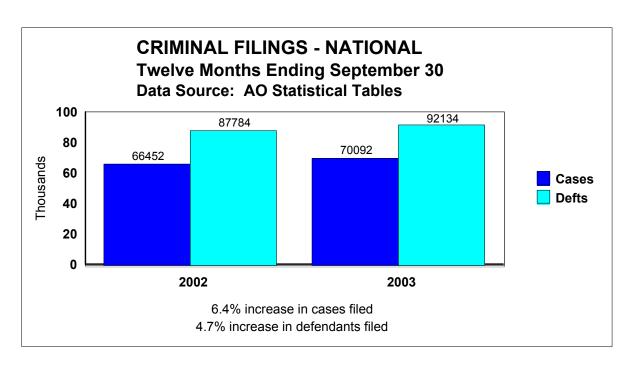
The Civil Justice Reform Act requires status reports from all judicial officers twice each year regarding pending 3-year-old civil cases, 6-month-old motions, bench trials under advisement, bankruptcy appeals and social security appeals. This automated report is mandated by the Judicial Conference.



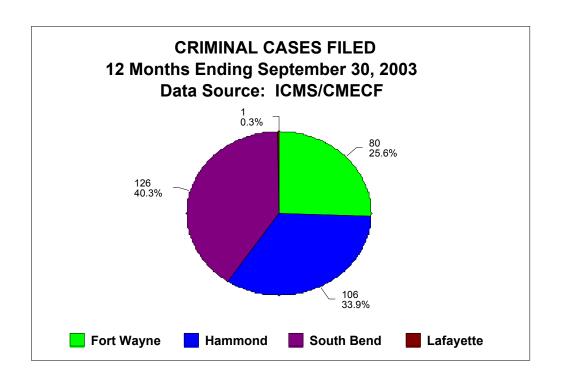
Criminal

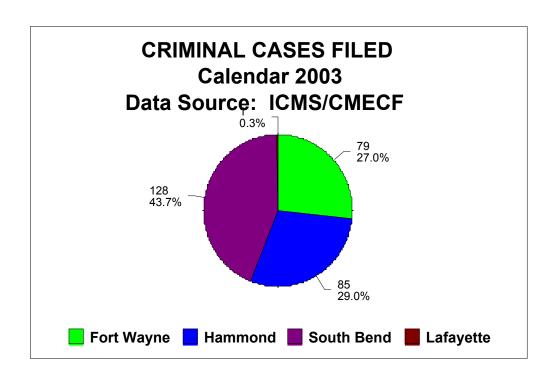
Criminal case filings decreased 25.5% and defendants decreased 20.9% in the Northern District of Indiana from 2002 to 2003. This compares with increases of 5.5% and 5.0% in these areas nationwide.





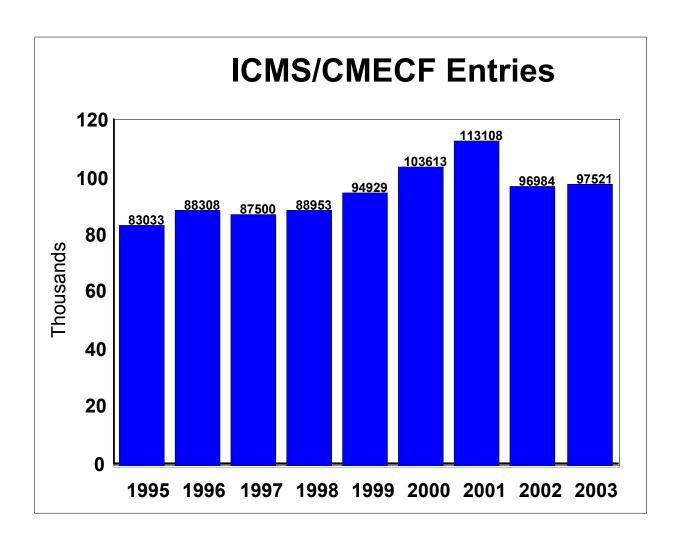
During fiscal 2003, criminal filings in Fort Wayne comprised 25.6% of all criminal cases in the district and 24.8% of defendants. The Hammond division received 33.9% of criminal cases and 34.4% of defendants. In South Bend, criminal cases accounted for 40.3% of all criminal cases and 40.5% of defendants.





Integrated Case Management System

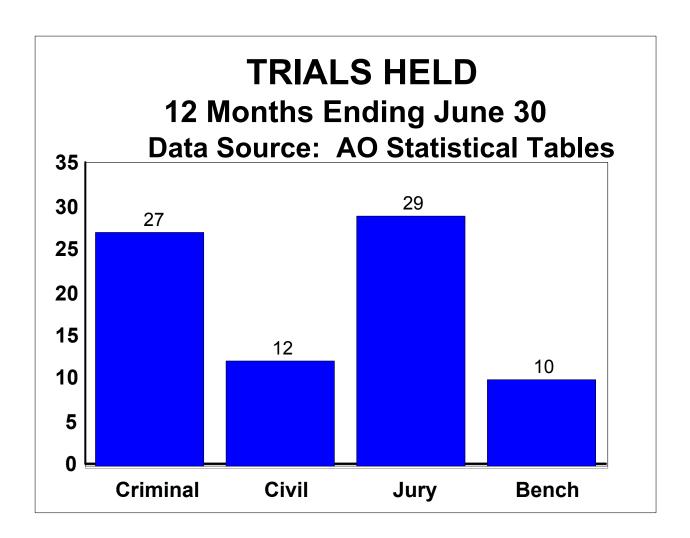
T he court's original automated docketing system, ICMS, was implemented in 1992 for civil cases and in 1994 for criminal cases. Through the end of fiscal 2003 (9/30/03), the number of docket entries made in the ICMS system was 980,604. On November 1, 2003, the court migrated to a new automated docketing system called CM/ECF, which includes electronic filing of documents over the internet. Since attorneys may make their own entries in the CM/ECF system, we will eventually see a decrease in the number of entries made by court personnel.



Trials

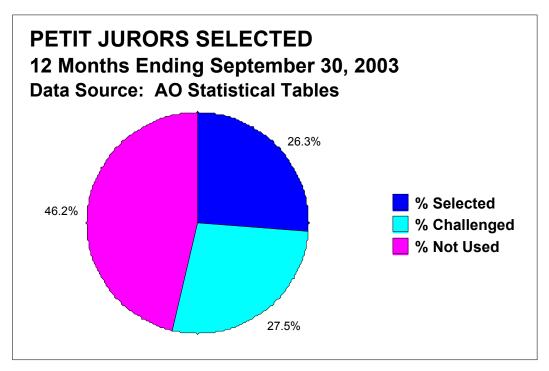
he number of total trials held (jury and bench) in our district during fiscal 2003 was 39, down 45.8% from fiscal 2002 (72 trials). The percentage of civil vs. criminal trials remained about the same from fiscal 2002 to fiscal 2003, with the percent of civil trials at 30.77% and criminal trials at 69.23% (compared to 30% and 70% respectively last year). Nationwide, criminal trials comprised 63.68% of total trials and civil accounted for 36.32% of all trials. (Note: Nationwide statistics for trial activity reflect the twelve month period ending June 30, 2003. Figures for the year ending September 30, 2003 were not available at the time our district's annual report was published.)

The percentage of jury vs. bench trials in our district also remained virtually the same from fiscal 2003 to fiscal 2003. The percentage of jury trials was 74.36 in 2003. The percentage of bench/other trials in our district was 25.64% in 2003 (compared to 75% and 25% respectively last year).



. Furors

During fiscal 2003, a total of 2,106 prospective petit jurors appeared for selection in our district and 48 juries were selected, an increase in activity from fiscal 2021 (1,938 jurors and 62 juries selected). Of the jurors who appeared for selection, 26.3% were selected to serve on a jury, 27.5% were challenged and 46.2% were not used. Several years ago the Judicial Conference set a goal of 30% or lower for unused jurors and for the first time in several years, and our court has not met that goal.



Grand jury activity in fiscal 2003 was virtually identical to the previous year. During fiscal 2003 there were again 7 grand juries serving our district. These grand juries held 78 sessions and spent a total of 439 hours in session, a slight decrease in activity from what we saw in fiscal 2002 (7 grand juries, 77 sessions and 446 hours). The average number of grand jurors per session was 20.7 and the average length of a session was 5.6 hours, about the same as fiscal 2002 (20.7 jurors and 5.7 hours per session).

GRAND JUROR ACTIVITY						
	# Grand Juries	# Sessions Convened	Total Hours in Session	Average #Jurors per Session	Average #Hours per Session	
FY2002	7	78	446	20.7	5.7	
FY2003	7	78	439	20.7	5.6	
% Change	none	none	-1.6%	none	-1.8%	



There were numerous changes in personnel this year, throughout the district.

- Laura Low resigned from her part-time position as a Court Reporter in the South Bend Division on January 3rd.
- Susan Johnson completed her term as a law clerk with Judge Sharp January 3rd. She later rejoined Judge Sharp's staff as a law clerk December 8th.
- Debra Bonk went from a part-time to a full-time Court Reporter in the South Bend Division on January 6th.
- Heather Troxel joined Judge Sharp's staff as a law clerk January 6th. She resigned from this position December 5th.
- Kay Luce retired from her position as Secretary to Judge Cosbey January 31st.
- Hon. William C. Lee, District Court Judge in Fort Wayne, began his tenure as a Senior Judge February 3rd.
- Hon. Robert L. Miller, Jr., became Chief Judge effective February 3rd.
- Sheri Potts joined Judge Miller's staff as law clerk February 3rd.
- Todd Weaver transferred from Judge Lee's staff to Judge Cosbey's staff as a law clerk February 3rd. He transferred back to Judge Lee's staff August 26th.
- Marilyn Keating was promoted to the position of Data Quality Analyst on February 10th.
- Hon. Theresa L. Springmann was reappointed a Magistrate Judge in the Hammond Division March 24th. She was appointed to the position of District Court Judge in the Fort Wayne Division June 24th.
- Jennifer Johnson joined the Clerk's Office as a Docket Clerk in the South Bend Division on March 24th.
- Hon. Philip P. Simon was appointed to the position of District Court Judge in the Hammond Division March 27th.
- Mary Ann Thomas joined the Clerk's Office as a Finance and Procurement Clerk in the Financial Office in South Bend on April 21st.
- Keri Holleb Hotaling joined Judge Simon's staff as a law clerk May 5th.

- Keith Porapaiboon joined Judge Simon's staff as a law clerk May 19th.
- Janice Ratz joined the Clerk's Office as an on-call Assistant Secretary May 22nd.
- Kevin Gillin joined Judge Simon's staff as a law clerk June 9th.
- Maci Doden joined Judge Springmann's staff as a temporary law clerk June 10th. October 14th she joined Judge Springmann's staff in Fort Wayne.
- Hon. James T. Moody, District Court Judge in Hammond, began his tenure as a Senior Judge June 17th.
- Brandon Lemley completed his term as a law clerk with Judge Cosbey August 1st.
- Larry Hornsby joined Judge Cosbey's staff as a law clerk August 4th. Larry transferred from the District Court in Western Texas.
- Michael DeBoer completed his term as a law clerk with Judge Springmann August 8th.
- Vilius Lapas joined Judge Springmann's staff as a law clerk August 11th.
- Damon Leichty completed his term as a law clerk with Judge Miller August 22nd.
- Kyle Forsyth joined Judge Miller's staff as a law clerk August 25th.
- Eric Kniffin joined Judge Springmann's staff as a law clerk August 25th.
- Neil Dishman joined Judge Cosbey's staff as a law clerk August 25th.
- Anthony Genakos resigned from his position as a law clerk with Judge Lee August 25th.
- Robert Kinsella completed his term as a law clerk with Judge Moody August 29th.
- Mark Ryan joined Judge Moody's staff as a law clerk September 1st.
- Paul Torzilli completed his term as a law clerk with Judge Lozano September 19th.
- Sarah Jehl joined Judge Moody's staff as a law clerk September 22nd.
- Hon. Paul R. Cherry was appointed to the position of Magistrate Judge in the Hammond Division on October 1st.
- Erin Goffette joined Judge Cherry's staff as a law clerk October 6th.
- Erin Cole completed her term as a law clerk with Judge Springmann and transferred to Judge Cherry's staff October 14th.

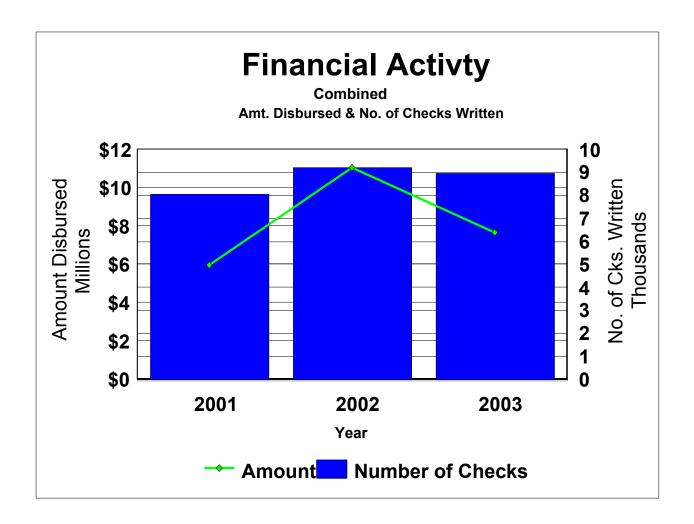
Finance Budget & Procurement

he Budget and Procurement Section was extremely busy during Fiscal Year 2003. With Judges William C. Lee and James T. Moody moving to Senior Judge status, two District Court Article III vacancies were created. To make room for the new judge in Fort Wayne, a new chambers had to be constructed for Judge William C. Lee. Judge Theresa L. Springmann of Hammond was elevated from a Magistrate Judge to that of Article III Judge and she subsequently moved her entire household and chambers to fill the vacancy in Fort Wayne. Newly appointed Judge Philip Simon came on board to fill the vacancy in Hammond.

Some of the major projects included:

- Purchase new furnishings for Judge Simon in Hammond and Judge Springmann in Fort Wayne.
- Courtroom build out for Judge Simon was underway.
- Move Judge Springmann from Hammond to Fort Wayne.
- Draw up plans to renovate chambers in Fort Wayne for Judge Springmann.
- New courtroom chairs were purchased for the first floor and second floor courtrooms in South Bend.
- Judge Allen Sharp's chambers renovation was finally completed and a few new pieces of furniture were provided in chambers.
- ► CM/ECF was on the near horizon and many anticipated supplies and printing requests were underway.
- Budget Decentralization Allotment formulas were refreshed by the AO and the court was to lose funding for FY 04.







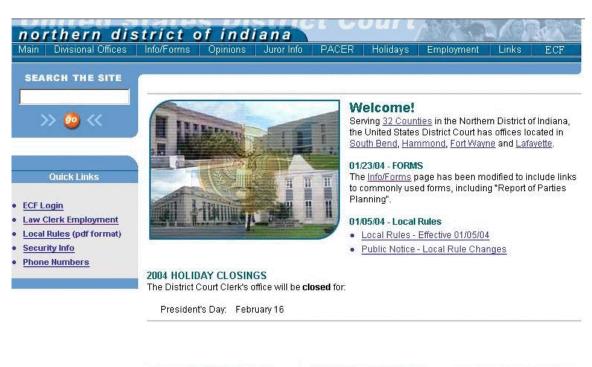
Automation & Technology

Courtroom Technology

- Installed Courtroom Technology in Magistrate Judge Nuechterlein's Courtroom in South Bend.
- Relocated Videoconferencing Equipment in Judge Springmann's Courtroom in Fort Wayne.
- Reconfigured Videoconferencing controls in all of South Bend and Fort Wayne courtrooms in order to provide smoother and more reliable camera controls.
- Installed Plasma Screen, VCR/DVD combo and Videoconferencing System in South Bend Clerks conference room.
- Installed Plasma Screen, Videoconferencing System and Document Camera in Fort Wayne Grand Jury room. Provides a much more reliable and easier to use Videoconferencing system for Fort Wayne non-courtroom video conferences.
- Installed Network and Telephone cabling for Judge Lee's New Chambers in Fort Wayne.
- Installed Ceiling Projector, Projection Screen and Cabling in South Bend CM/ECF Training Room.
- Monitored and supported Videoconferencing hearings throughout the district.
- Provided Installation, Cabling and Connections to Allow Courtroom Deputies and Law clerks in Judge Lozano, Moody, Cherry, Rodovich, Nuechterlein and Cosby's courtrooms to see and hear there respective courtrooms on Desktop Monitors and Speakers.
- Upgraded South Bend and Fort Wayne Courtrooms to a High Resolution Video Printing Method that provides a much larger and crisper image of Video Evidence.
- Performed many Telephone, Network, Audio and Video adds, moves and changes throughout the district.

${ m A}_{ m utomation}$

- Cyclical replacement of PC's and Servers throughout the District.
- The Internet web site is in the process of being redesigned with easy to navigate screens and menus, placing important and frequently retrieved information on the main pages. It will be implemented in the Spring of 2003.
- Completed upgrading all users to 17" Flat Panel Monitors throughout the district.
- In Preparation for CM/ECF, new high speed printers were installed through the District.
- Our Internet site was redesigned with a new interface, making the most popular information on the main page.
- Also on the Internet site we implemented an application that allows potential jurors to complete their questionnaire on-line.
- We implemented the upgrade to Lotus Notes 6.02 which is happening Court wide.









Training

Training continues to be a key component in our Court's development and future. Effective training programs have provided our clerk's office and chambers personnel with the necessary skills and competencies in the areas of operation, technology and professional development. Our district wide training committee compromised of District, Probation and Bankruptcy personnel continues to work together as a team by pooling our resources and training talents in order to provide training programs to benefit all our staff. With the implementation of CM/ECF hundreds of hours of training have been offered to clerks office, chambers, attorneys and their staff. Some of the training programs offered in 2003 are as follows:

- CM/ECF Training for Staff and Attorneys
- Internet Training
- CM/ECF Dictionary Training in San Antonio
- CM/ECF Applications Training in San Antonio
- "Train the Trainer" Training in San Antonio
- "Who Moved My Cheese" How to Deal with Change
- Code of Conduct for Judicial Employees
- Health Fair
- Long Term Disability Program
- FJTN Programs



Staff members participating in a site visit with members of the AO and WD of Missouri.



Clerks Staff attending applications Training in San Antonio.



Melanie Sus, Systems Administrator, demonstrating to Attorney Stankiewicz and his secretary how to navigate in CM/ECF.

Happenings in the District

January

Employees of the Fort Wayne federal courthouse for the fifth year participated in Fort Wayne Community School Study Connection Program. From the beginning of the School year until May on every Tuesday one student is paired up with a volunteer tutor from the Courthouse.



Kathryn Brooks tutoring a student.



St. John Bosco School came for a tour of the Hammond Courthouse. The children learned about all the aspects of how the courts worked. The children took a group picture with Judge Moody.

March

Jennifer Johnson joined our Federal Family as a Docket Clerk in South Bend.



Jennifer Johnson being sworn in as a Docket Clerk.



Steve Ludwig, Clerk of Court, presenting a certificate to Jennifer Johnson for completing her ICMS training with Karen Brickner looking on.

Indiana High School Mock Trial Association held a tournament in the Hammond Courthouse. These competitions happen around the state of Indiana where High School kids participate in a mock trail and are judged on how well they did.



Chief Judge Miller participated as a Judge.



One of the many students participating in a mock trail is presenting her case.

March saw the first of two new judges being sworn in for the Northern District of Indiana. Judge Simon shown below was sworn in with Judges Moody and Lozano presiding.



Judge Simon is taking the oath with his wife assisting.



Judges Moody and Lozano preside over the swearing in ceremony.

April

St. Paul school visited our Hammond court house and learned about how the court works.



Judge Springmann talks to the students and answers questions.

Judge Springmann held a Naturalization ceremony in the Hammond Courthouse in the ceremonial Courtroom.



Color Guard members present the colors for the Naturaliztion Ceremony.

May

Judge Springmann held her last Naturalization ceremony as a Magistrate Judge.



Division Manager Kurt Koch stands with Judge Springmann for a picture before the Naturalization Ceremony in Hammond.



American Legion representative Dorothy Figeroa talks to the new citizens about the Flag.

June

Many things happened in June. Judge Springmann was sworn in as an Article III Judge. A private session was held in Judge Moody's chambers.



Judge Moody administering the oath to Judge Springmann with her husband assisting.



Judge Springmann's family was present for her swearing in.

Judge Moody celebrated his 65th birthday with all of the staff in the Hammond Courthouse.



Clerk Ludwig and Chief Judge Miller announce Judge Moody's birthday.



Judge Moody and his staff posing for a picture in his courtroom.

There was a memorial for Dan Toomey the Public Defender for Northern Indiana held at the Hammond Courthouse.



The memorial bench for Dan Toomey was purchased by donation from friends and co-workers.



Chief Judge Miller talks with Mrs. Toomey and her children.

July

A formal investiture session for both Judge Philip Simon and Judge Theresa Springmann.



The children of Judges Simon and Springmann lead the Pledge of Allegiance.



Chief Judge Miller giving the oath of office to Judges Simon and Springmann.



Judges Simon and Springmann taking their place at the bench.



Senator Lugar enjoying the bagpipe music being played during the investiture ceremony.

August

On August 19th Judge Allen Sharp held a Naturalization ceremony at Purdue University at the University Church. This coincides with the annual Global Fest in Lafayette.



Representative Sheila Klinker gives welcoming remarks.



Judge Sharp gives opening remarks.



Juan Gramaldo, immigration examiner, presents the class to the Court.



The Class stands and recites the Oath of Allegiance.

September

Judge Rodovich had a Naturalization ceremony at the International Culture Festival at the Jean Shepherd Community Center.



October

October saw the latest Magistrate Judge come on board the Northern District family. Judge Cherry was sworn in as the new Magistrate Judge in Hammond.



Chief Judge Miller gives the oath of office to Magistrate Judge Cherry.



Chief Deputy Guernsey, Clerk Ludwig, Chief Judge Miller and Magistrate Judge Cherry get their photo taken.

A District wide farewell party to say goodbye to ICMS and to welcome CM/ECF.







South Bend staff wore traditional black to mourn the death of ICMS.



Brian Richards reads a poem, as shown below, to the District via the Video Conferencing.

Ode to Found Cheese

Daily went I through the maze
Calmly strolling to my cheese
That was how I spent my days
It was I who held the keys
I adored ICMS
It did everything for me
Nothing with it could go wrong
Yes my life was like a song
It was perfect can't you see
There was nothing but success

Suddenly, it all was gone
So I wondered in a daze
For my precious did I fawn
Trapped and lost within the maze
Sniff and Scurry ran right by
Hem and Haw were wandering
Looking for the cheese that was
I could see the end was nearing
I just had to stop and pause
It all made me want to cry

Then it was all clear to me
The maze it was my Matrix
Knowing this I became free
And started to do high kicks
The maze is not reality
This I learned from Morpheus
Believe not in illusions
It is the mind can free us
Find the commonality
And end now, the delusions

Twas I that became Neo
Yes more than Keanu Reeves
You too can be the hero
Together we'll find the cheese
With Yoda as our master
Wearing black clothes and cool shades
We fast approach the boarder
We will avert disaster
As the day, away it fades
We will restore the order

It was a mighty struggle
The change was fundamental
There's still a lot to juggle
So let us please, be gentle
Come, share some cheese, and good cheer
Resting, is for now the plan
There is so much yet to do
And though change is never through
At least now we are certain
CM/ECF is here

by Bryan Richards poet laureate

November

Lafayette had their annual Charles A. Halleck Federal Building Thanksgiving carry-in luncheon.



December

Judge Allen Sharp entertained the Lafayette District Court Clerk's office Chambers, Bankruptcy Court Clerk's office, Judge Kanne's Chambers and Court Security Officers at a Christmas luncheon at the Lafayette Brewing Company.



The Fort Wayne Clerk's office participated in a Christmas project this year by purchasing and wrapping gifts for the 39 children of the Crossroad Children's Center. The wrapped gifts were taken to the Center by the members of the U. S. Attorney's office. Heartfelt thanks from the children were received, but the true gift was in the giving. The Clerk's office staff all felt the joy of this gift.



Some of the gifts that were given to the Children.

Hammond held their 9th annual Federal Courthouse Children's Christmas Party. In addition they adopted a Platoon in Iraq for their Christmas project.



Santa, alias Derek Plants Chief Deputy Probation Officer gives Simone, granddaughter of Doris Conway, U. S. Attorneys office her gift.